

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

BILLIE JOE CHAPMAN,	)	
	)	
Plaintiff,	)	4:14CV3141
	)	
v.	)	
	)	
YVONNE D. SOSA-GAYTON, TIM	)	MEMORANDUM AND ORDER
BURNS, DOUGLAS COUNTY PUBLIC	)	
DEFENDERS OFFICE, and JUDGE	)	
CONIGLIA,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court on plaintiff's motion (Filing No. [9](#)) asking the Court to waive payment of the Court's \$350.00 filing fee.

Under the Prison Litigation Reform Act, an indigent inmate who files a lawsuit in federal court must pay the \$350.00 filing fee, first by making an initial partial payment and then by sending the remainder of the fee to the Court in installments. The method for collecting the filing fee from a prisoner is specifically provided for in [28 U.S.C. § 1915\(b\)](#). Section 1915(b) is written in mandatory terms ("shall"), leaving no discretion to the district court to waive an in forma pauperis prisoner's filing fee. Pursuant to [28 U.S.C. § 1915\(b\) \(1\)](#), plaintiff must pay an initial partial filing fee in the amount of 20 percent of the greater of plaintiff's average monthly deposits

or average monthly account balance for the six months preceding the filing of the complaint.

Plaintiff's trust account statement reflects that the average monthly deposits to his inmate trust account is \$29.10 (Filing No. [5](#)). Accordingly, plaintiff must pay an initial partial filing fee in the amount of \$5.82, which is 20 percent of \$29.10. As set forth in the Court's memorandum and order dated August 8, 2014, plaintiff must pay this initial partial filing fee by September 4, 2014. Plaintiff may request an extension of time if needed.

IT IS ORDERED that plaintiff's motion (Filing No. [9](#)) requesting waiver of the filing fee is denied.

DATED this 12th day of August, 2014.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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